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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/809,405 | 03/15/2001 | Frank Rademacher | 964-010251 | 3576 |

28289 7590 02/16/2005

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| EXAMINER |
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SENGI, BEHROOZ M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2613

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,405

Applicant(s)

RADEMACHER ET AL.

Examiner

Behrooz Senfi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/30/2004, fwd. 11/9/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments (filed 8/30/2004, fwd. 11/9/2004) have been fully considered and are persuasive. Therefore, examiner withdraws the previous office action (paper no. 6, dated 4/22/2004). However, upon further consideration, a new ground(s) of rejection is made in view of Schofield et al (US 6,222,447).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al (US 6,222,447).

Regarding claims 1 - 2, Schofield '447 teaches "first camera" (i.e. fig. 1, camera 16), and "additional cameras" (i.e. fig. 1, cameras 14) for viewing the rear and the blind spot (near area), and "display/screen located in the vicinity of the driver's seat" (i.e. fig. 3, display 20, col. 6, lines 40 – 49). Although Schofield '447 fails to explicitly teach industrial truck as cited in the preamble of the claim. However, broadly speaking the industrial truck, essentially is a vehicle and the monitoring system as taught by Schofield '447, can be used in automobile or light truck or utility vehicle or the like (i.e. col. 3, lines 50 – 55). Therefore, it would have been obvious to one skilled in

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the art to modify the monitoring system as taught by Schofield '447 and use it in industrial truck to allow the driver to see areas which are obstructed.

Regarding claim 3, the limitation "use of the camera with wide-angle lens" is Known and would be obvious to combine to allow for the driver to see more area behind the vehicle. Official Notice

Regarding claims 11 and 14, "screen is located inside a driver's cab" is similar to the display as taught by Schofield '447, which is placed inside the vehicle (col. 6, lines 40 – 49).

4. Claims 4 – 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield '447 in view of Rosinski et al (US 5,793,308).

Regarding claim 4, Schofield '447 teaches monitoring system for vehicle and more to rearview vision system as discussed above. Schofield '447 fails to explicitly teach, "selecting the camera to be displayed on the screen". However, the above features are well known and used in the prior art of the record as evidenced by Rosinski '308 (i.e. col. 7, lines 8 – 15). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify the monitoring system of Schofield '447 as taught by Rosinski '308 to select the camera view subject to operator.

Regarding claims 5 – 6, combination of Schofield '447 and Rosinski '308 teach "switching" (i.e. col. Col. 8, lines 43 – 51 of Rosinski).

Regarding claims 7 – 8, combination of Schofield '447 and Rosinski '308 teach, "image mixer and superimpose on video from cameras" (i.e. figs. 2 and 3, CPU 21 and MCU 211, col. 3, lines 30 – 32 and col. 6, lines 4 – 6 of Rosinski).

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Regarding claims 9 - 10, combination of Schofield '447 and Rosinski '308 teach, "camera is located in the vicinity of a driver's cab" and "additional camera is fastened to an upper rear segment of the driver's cab" (i.e. figs. 4 – 16 of Rosinski '308).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield '447 in view of Lanza et al (US 5,938,710).

Regarding claim 15, Schofield '447 teaches monitoring system, using plurality of cameras and viewing the Images on the screen as discussed above. Schofield '447 does not show "industrial truck is in the form of a fork lift truck". However the above claim limitations are well known in the prior art of the record as evidenced by Lanza '710 (i.e. abstract, lines 1 – 3).

6. Claims 12 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield '447 in view of Rosinski '308 further in view of Kemshall et al (US 5,542,490).

Regarding claim 12, combination of Schofield '447 and Rosinski '308 teach, "camera pointing toward the rear" and "at least one screen located in the vicinity of the driver". Combination of Schofield '447 and Rosinski '308 fails to explicitly teach "electrical steering sensor" as claimed. However, such features are well known and used as evidenced by Kemshall '490 (i.e. col. 2, lines 1 - 5). Therefore, taking the combined teaching of Schofield '447 and Rosinski '308 and Kemshall '490 as a whole, it would have been obvious to one skilled in the art at the time of the invention was made to use the steering sensor for detecting the movement of the steering wheel.

Regarding claim 13, placing the "electrical steering sensor in the vicinity of an armrest of the driver's seat" considered as an obvious design choice.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S.

2/8/2005


CHRIS KELLEY
TECHNOLOGY PATENT EXAMINER
TECHNOLOGY CENTER 2600